

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Petition of BellSouth for)	
Forbearance under 47 U.S.C. Section 160(c))	CC Docket No. 97-172
From Application of the Separate Subsidiary)	
Requirements of Section 272 of the)	
Communications Act of 1934, As Amended,)	
To Provide International Directory)	
Assistance Service)	

**COMMENTS OF SBC COMMUNICATIONS INC. TO AT&T'S COMMENTS TO
BELLSOUTH'S PETITION FOR FORBEARANCE**

SBC Communications Inc. ("SBC"), on behalf of the Ameritech Telephone Companies, Pacific Bell Telephone Company, Nevada Bell Telephone Company and Southwestern Bell Telephone Company (collectively "SBC"), hereby files these comments in response to AT&T's Comments in the above-captioned proceeding.¹ AT&T requests that any grant of forbearance relief to BellSouth, SBC and Verizon for the provision of international directory assistance ("IDA") be conditioned on their making "available, on nondiscriminatory terms and conditions, the IDA information for wireline services between the United States and foreign countries where they are treated as dominant carriers because of their overseas affiliate."²

While couched as comments regarding BellSouth's Petition for Forbearance, AT&T's comments do not even address BellSouth. Rather they constitute out-of-time comments in response to SBC and Verizon's Petitions for Forbearance filed earlier this year. AT&T had an opportunity to oppose SBC's Petition and chose not to address it at that time. For AT&T to

¹ Letter from Aryeh S. Friedman, Senior Attorney, AT&T Corp., to Ms. Marlene H. Dortch, Secretary, FCC, Re: BellSouth Telecommunications, Inc., SBC Communications, Inc., and Verizon's Petitions for Forbearance, CC Docket No. 97-172 (filed Dec. 16, 2003).

² *Id.* at 2.

suggest *conditions* applicable to SBC's Petition, practically in the eleventh hour, is extremely problematic and indeed completely antithetical to the Commission's notice and comment rules.

It is quite telling that AT&T did not offer *and for that matter could not offer* any facts or findings to show that imposition of a nondiscriminatory access condition is compelled under Section 10. In fact AT&T did not even *attempt* to show that the condition was necessary to ensure that IDA rates are just and reasonable, to protect consumers, or to further the public interest. AT&T simply cites to findings made in the context of in-region, nonlocal DA services.³ This deficiency in AT&T's comments alone is sufficient to reject AT&T's proposal.

AT&T would have the Commission condition SBC's forbearance relief on the oft chance that SBC could somehow use its foreign affiliations to advantage itself in the marketplace for IDA services. AT&T offers no explanation as to how SBC would do this. SBC is thus left to assume that AT&T believes that SBC would have automatic access to DA listings in countries where they have affiliations, thereby giving them a competitive advantage in the marketplace.

To the extent the Commission shares this concern, SBC clarifies here that it has no such access on any routes where it has a foreign affiliation, including routes where it is considered dominant because of the affiliation. As SBC detailed in its Petition, SBC will obtain *all* IDA listings from third parties.⁴ As such, SBC would be in the same position as AT&T or any other IDA competitor, thereby rendering the nondiscriminatory access requirement proposed by AT&T completely unnecessary to promote competition for IDA services.

Importantly, unlike local DA, and perhaps even nationwide DA, consumers do not associate IDA with their local telephone companies. Rather, consumers rely on numerous other sources to retrieve IDA listings. SBC thus will be a new entrant in the marketplace for IDA and will face vigorous competition from established IDA providers. To impose a nondiscriminatory access requirement on SBC, a new entrant in the IDA market that would purchase *all* IDA

³ *Id.* at 3.

⁴ Petition of SBC Communications Inc. for Forbearance from Section 272 of the Federal Telecommunications Act of 1996, at 5 (filed Mar. 21, 2003).

listings from third parties, would competitively advantage SBC's IDA competitors to the disadvantage of SBC.

CONCLUSION

SBC urges the Commission not to adopt AT&T's proposal to require BOCs to provide nondiscriminatory access to IDA information for routes where the BOC is considered dominant due to their foreign affiliations.

Respectfully Submitted,

/s/ Davida M. Grant

Davida Grant
Gary L. Phillips
Paul K. Mancini

SBC Communications Inc.
1401 I Street NW 11th Floor
Washington, D.C. 20005
Phone: 202-326-8903

Its Attorneys

December 23, 2003